

COOLEY LLP
Heidi Keefe (178960)
(hkeefe@cooley.com)
Lowell Mead (223989)
(lmead@cooley.com)
Priya B. Viswanath (238089)
(pviswanath@cooley.com)
3175 Hanover Street
Palo Alto, California 94304
Telephone: (650) 843-5000
Facsimile: (650) 849-7400

COOLEY LLP
Phillip Morton (*Pro Hac Vice*)
(pmorton@cooley.com)
1299 Pennsylvania Avenue
NW, Suite 700
Washington, DC 20004-2400
Telephone: (202) 842-7800
Facsimile: (202) 842-7899

Attorneys for Defendant
Apple Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

COREPHOTONICS, LTD.

Plaintiff,

vs.

APPLE INC.

Defendant.

Case No. 3:17-cv-06457-JD (lead case)
Case No. 5:18-cv-02555-JD

**DECLARATION OF LOWELL MEAD IN
SUPPORT DEFENDANT'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

I, Lowell Mead, declare:

1. I am an attorney with Cooley LLP and counsel in this action for Defendant Apple Inc. ("Apple"). I submit this declaration in support of Apple's Administrative Motion to File Under Seal.

2. The information sought to be sealed is narrowly tailored:

Item #	Materials Sought to be Sealed	Sealing Request
1	Motion for Leave to Amend Apple's Answer: <ul style="list-style-type: none"> page 3, lines 8-10, 11-26 page 4, lines 1, 2, 3, 5, 11, page 5, footnote 3 page 7, lines 13-14, 25 page 8, line 8 page 9, line 10 	Narrowly tailored portions of Motion describing highly confidential and sensitive terms and the confidential signatory of the agreement
2	Exhibit A1, Proposed Amended Answer Case No. 3:17-cv-06457-JD: <ul style="list-style-type: none"> page 14, lines 12-13 pages 14-15, lines 21-14 page 15, lines 16, 21, 22, 23-24, 28 page 16, lines 1-2, 3-7, 8, 10-11, 16, 26-27 	Narrowly tailored portions of Proposed Amended Answer describing highly confidential terms and the confidential identity of signatories to the agreement
3	Exhibit A2, Proposed Amended Answer Case No. 5:18-cv-02555-JD: <ul style="list-style-type: none"> page 11, lines 6-7, 15-28 page 12, lines 1-8, 10, 15-18, 22-28 page 13, lines 1-2, 4-5, 10, 20-21 	Narrowly tailored portions of Proposed Amended Answer describing highly confidential terms and the confidential identity of signatories to the agreement
4	Exhibit D, Email from L. Mead to J. Tsuei, Mar. 13, 2023 <ul style="list-style-type: none"> page 1, lines 3-5 of ¶ 2 	Narrowly tailored portions of Email from L. Mead to J. Tsuei describing highly confidential agreement and the confidential identity of signatories to the agreement
5	Exhibit H, Apple's Response to 3d Supp. Damages Contentions <ul style="list-style-type: none"> page 4, lines 19-21 	Narrowly tailored portions of Response to Damages Contentions describing highly confidential terms and the confidential identity of signatories to the agreement
6	Exhibit I, Agreement	Excerpts of highly confidential agreement, including confidential terms of and confidential identities of parties

3. These materials contain information that was produced as and designated as

1 “Confidential – Attorneys’ Eyes Only” under the Protective Order (Dkt. 77), including based on
2 third-party confidentiality.

3 4. The highly confidential and sensitive materials Apple seeks the Court’s
4 permission to file under seal relates to highly confidential information from an agreement
5 entered into by Apple and a third party that is subject to third-party confidentiality obligations.
6 I understand that the existence and the terms of the agreement are highly confidential and reflect
7 sensitive business strategies and discussions.

8 5. Both compelling reasons and good cause exist to permit Apple to file the
9 narrowly tailored requested information under seal, as public disclosure of this information
10 would harm Apple and the third-party signatory to the agreement at issue, and such information,
11 if revealed to the public, could be misused by competitors and adversaries to harm the
12 signatories.

13 I declare under penalty of perjury that the foregoing is true and correct. Executed on
14 November 6, 2023 in Palo Alto, CA.

15
16 /s/ Lowell Mead

17 Lowell Mead
18
19
20
21
22
23
24
25
26
27